



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10649 of 2022

Selvambal

..Petitioner

Vs.

1. The District Collector
Ariyalur District,
Ariyalur.
2. The Thasildhar
Ariyalur Taluk,
Ariyalur District.
3. The Block Development Officer (VP)
Ariyalur Panchayat Union
Ariyalur, Ariyalur District.
4. The President
Eruthukkaranpatty Village Panchayat
Ariyalur Panchayat Union
Ariyalur Taluk,
Ariyalur District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the proceedings of the third respondent in Na.Ka.A2/525/2020 dated 12/2021 (signed on 07.01.2022) and the consequential notice of the fourth respondent in U.Ka.No.015/2021-22 dated 19/01/2022 and quash the same in so far as the petitioner is concerned and direct the respondents 2 to 4 to measure and fix the boundaries for the SF No.116/1 of Ariyalur North Revenue Village lying at Eruthukkaranpatty village, Ariyalur Taluk, Ariyalur District.



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For the Petitioner : Mr.S.Kamadevan

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader
for Respondents 1 to 3

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed challenging the notice served on the petitioner alleging encroachment of the cart track.

2. Learned counsel for the petitioner submits that he has not encroached the cart track in Survey No.118. Rather, she is occupying the land purchased by her under the sale deed. But, according to learned Government Pleader, the petitioner has encroached a part of the land of the cart track in Survey No.118.

3. In view of the aforesaid, learned counsel for the petitioner wants to get the factual issues settled by issuing directions to the respondents to conduct a survey to demarcate the boundaries.

4. Whenever there is a factual dispute, the Writ Court should not cause any finding in that regard. Rather, it should be kept open for the parties to get redressal of the factual dispute by taking remedy before the Civil Court. It is the prayer of learned counsel for the petitioner to get survey of the land determined, without justifying why a civil suit had not been filed where the question of facts can be determined.

5. Looking to the nature of the controversy, we are not inclined to entertain the writ petition and accordingly, the same is dismissed. However, a liberty is given to the petitioner to take appropriate remedy as provided in law where the factual issues can be determined. There will be no order as to costs. Consequently, WMP Nos.10291 and 10293 of 2022 are also dismissed.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar



kpl/drm

To:

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Ariyalur Panchayat Union
Ariyalur Taluk, Ariyalur District.

+1cc to Mr.S.Kamadevan, Advocate, S.R.No.28476

W.P.No.10649 of 2022

MG[co]
NSK 05/05/2022